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is, of course, of some importance, but it would be more significant to learn more of the operation of the state legislature and the local taxing bodies, and it does not meet the point to say that not very much was accomplished in legislation during this period. The spirit in which this book is written and the personal equation of the writer are fairly open to criticism. In his treatment of the conduct of the Freedmen's Bureau by General Swayne, in his casual remarks relative of Whigs like George W. Hilliard, who were prominent before the war, in his reference to General George H. Thomas the author indicates that the process of reconstruction has not been fully completed in his own case.

Dr. Fleming is certainly entitled to great praise and credit for his treatment of the social and economic conditions prevalent in the state during the war. He has not left much for any subsequent writer to say about the fraudulent confiscation of cotton. In his discussion of the educational system, and especially the reconstruction of the various religious bodies in the state, he has done a thoroughly good piece of work. His treatment of the Ku-Klux outbreak is on the whole fair and impartial, and he is entitled to be congratulated on having had access to the original constitution of the order. He emphasizes, and justly, the value of the eleven volumes of the Congressional report on the Ku-Klux conspiracy. We may question, however, whether so much of this monumental work as deals with his own state should, as he says, be read with a biographical dictionary at hand. The evidence speaks for itself, and one accustomed to weighing evidence carefully can easily make his own corrections and allowances by following closely the statements of various parties called on both sides. On the whole, the author is to be commended for a scholarly and critical treatment of a most highly important historical epoch.

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Goodnow, Frank J. *The Principles of the Administrative Law of the United States*. Pp. xxvii, 480. Price, \$3.00. New York: G. P. Putnam's Sons, 1905.

It is more than twelve years since Professor Goodnow published his *Comparative Administrative Law*, which was the first work in the English language dealing with the general subject. It contained an analysis of the administrative systems of the United States, England, France and Germany, while the present volume is confined to the United States. The publication of this work, following so closely upon the appearance of Professor Wyman's *Principles of Administrative Law*, indicates a growing interest in this subject among American students. This is all the more noteworthy when it is recalled that administrative law was not recognized in the United States when Professor Goodnow published his first work, which may be said to have introduced the subject in this country.

The new volume, which follows in general the plan of the former work,

is based upon a broader conception of the subject than that which is accepted by Professor Wyman. It comprises a consideration of the organization and activity of all authorities which are engaged in the execution of the law, and is not confined to the executive department as such. The following six divisions of the work indicate its general scope: The Separation of Powers; Central Administration; Local Administration; The Official Relation; Methods and Forms of Administrative Action; Control Over the Administration. While some of the chapters, particularly in the last division of the book, have been reprinted with only a few modifications from the earlier work, the present volume as a whole gives a more detailed treatment and shows the effect of the development of the ideas of the author during the intervening period. Many of the views which the author has expressed in his recent works are embodied in this book.

More emphasis is placed upon the necessity of studying extra-legal conditions which affect the governmental system. Professor Goodnow also introduces his well known distinction between the two primary classes of functions of government—those which are concerned with the expression of the will of the state and those which have to do with the execution of this will. In this connection he takes occasion to emphasize his former criticism of Montesquieu's theory of the separation of powers. He indicates how necessary it is that harmony shall exist between the two functions of the expression and the execution of the will of the state, and shows how, under our system of executive independence of the legislature, conflict is prevented by the intervention of the political party. To accomplish this end the party must have a strong organization, which tends to limit the theoretical independence of the executive. A distinction is drawn between the political and administrative functions of the executive, and it is pointed out that, while the former should be controlled by the political party, the latter, which embraces work of a "scientific, technical, commercial or quasi-judicial character," should be uninfluenced by political considerations. This is realized to a certain extent in our national government, but in the states, owing to the systems of unrelated bureaus and departments, the various officials have no administrative superior, and are thus necessarily brought under the control of the political party, though their duties are administrative rather than political in character. It is interesting to note that while the author in his first work followed Professor Burgess in using the term "commonwealth" to designate the members of the American Union, he has entirely abandoned this usage in the present volume, and has adopted the designation "state."

A few errors and omissions must be noted in the chapter on Qualifications for Office. It is evident that when Professor Goodnow revised this chapter he had not examined the Twentieth and Twenty-first Reports of the United States Civil Service Commission, though the latest of these volumes was issued several months before the date of the preface of his work. Thus, on page 269, in discussing the classification of the national civil service, he refers to Rule III and names the five branches provided for under the civil service rules promulgated on May 6, 1896, while, as a matter of fact, under

the revised rules, approved by President Roosevelt on March 20, 1903, which became effective on April 15 of that year, all provisions for the arrangement of the classified service into branches disappear, and Rule II defines the classified service broadly so as to embrace the entire executive civil service except laborers and persons whose appointments are subject to confirmation by the Senate. While this change in definition did not involve any increase in the classified service, as the orders of classification which preceded it had accomplished the same result, it was a significant indication of the change which had taken place in this service since the enactment of the civil service law of 1883. From a small list of enumerated positions the classified service had been developed until it embraced all offices which could be classified under the provisions of the law.

Again, on page 271, in referring to the appointment of unclassified laborers under a system of competitive registration, the author confines his discussion, so far as the national government is concerned, to the scheme adopted in 1891 for workmen employed in the United States navy yards, and fails to make any mention of the fact that under the provisions of executive orders of July 3, 1902, and March 26, 1903, similar measures were to be adopted for all laborers in the departments at Washington and extended as rapidly as might be found practicable to offices in the executive civil service outside of Washington. Such regulations were adopted by the departments in Washington during 1902 and 1903, and on November 15 and December 12, 1904, the President promulgated regulations governing such appointments in Washington and in New York, Boston, Philadelphia and St. Louis, which will be extended to such other cities as the Civil Service Commission may at any time deem expedient. Finally, in discussing the subordinate organization of the United States Civil Service Commission, the author fails to notice the consolidation of more than 1,200 local boards of examiners into thirteen districts, each with a central office. The movement commenced in Boston in 1897, was followed in San Francisco in 1902 and in Philadelphia in 1903, and finally, in 1904, the entire country was divided into thirteen civil service districts, each with one board of examiners, presided over by a secretary, having supervision over all local boards of examiners and all the civil service duties pertaining to the offices comprised within the district. The number of districts has since been reduced to twelve. This organization will greatly facilitate the work of the commission, thereby increasing its efficiency.

The merits of Professor Goodnow's book need not be dwelt upon, as they are well known to the many readers of his earlier work. As indicated above, it is the only book dealing with the entire scope of the subject. It will be of value to the general reader, and is well adapted to serve as a manual for the student of administrative law. It is to be hoped that the author will soon be able to carry out his intention to publish a book of cases illustrative of American administrative law and adapted to the arrangement of the present volume.

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